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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,433	02/01/2002	Bryan Scott	Scott.00001	9424

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10/17/2003

Steven W. Thrasher  
391 Sandhill Dr.  
Richardson, TX 75080

EXAMINER
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CHEN, ALAN S

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

14

**Office Action Summary**

Application No.

10/053,433

Applicant(s)

SCOTT ET AL.

Examiner

Alan S Chen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1,11,12,13 and 7 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1,2,4,5 and 6, respectively, respectively, of copending Application No. 10,051,264. Although the conflicting claims are not identical, they are not patentably distinct from each other because the port coupled to the IDS in Application No. 10,051,264 makes the IDS a system when attached to peripheral devices via the port. Furthermore, the IDS is a system in-and-of itself because it is comprised of several components. In addition, a bus will always require a bus interface and similarly, a port is always used as an input/output to another component (in this context, a device).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "160" has been used to designate multiple different ports. A proposed

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drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 158 in Fig. 1, 200 and 218 in Fig. 2. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### *Specification*

4. The disclosure is objected to because of the following informalities: acronym "IDS" should be defined upon first use on page 3, line 16, immediately after the terms "intelligent docking station".

Appropriate correction is required.

#### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-18 are rejected under 35 U.S.C. 102(a) as being anticipated by No. 6,286,060 to DiGiorgio et al. (hereafter DiGiorgio).

7. In reference to claim 1, DiGiorgio discloses the IDS comprising:

A co-processor (Fig. 9, element 900 and Column 5, lines 40-54) capable of converting a hand held based data element into a device enabled data element; a bus interface (Fig. 4, element 408) coupled to the co-processor (Fig. 8, element 100); and a port coupled to the coprocessor (Fig. 9, element 806A).

8. In reference to claim 2, DiGiorgio discloses the IDS of claim 1, further comprising logic coupled between the coprocessor and the port (Column 5, lines 40-53).

9. In reference to claim 3, DiGiorgio discloses the IDS of claim 1, wherein the logic is a modem (Column 6, lines 14-22).

10. In reference to claim 4-6, DiGiorgio discloses the IDS of claim 1, wherein the co-processor has a top-level device driver and communication driver (Fig. 8, element 101), and a low-level device driver (Fig. 8, element 804).

11. In reference to claims 7 and 9, DiGiorgio discloses the IDS of claim 1, further comprising a device co-located within the IDS and a device coupled to the port (Fig. 8, element 804 and 808).

12. In reference to claim 8, DiGiorgio discloses the IDS of claim 1, further comprising a handheld computer (Fig. 8, element 100) coupled to the bus interface.

13. In reference to claim 13, DiGiorgio discloses the IDS system of claim 8, wherein the handheld is coupled to the bus interface via a wireless connection (Fig. 4, element 408).

14. In reference to claim 14, DiGiorgio discloses a handheld computer device (Fig. 8, element 100) capable of communication with an IDS (Fig. 4, element 408), comprising: a bus (Fig. 4, element 408); a communication driver (Fig. 9, element 900) coupled between the bus and a top-level device driver (Fig. 3, element 301); and a handheld device operating system (Column

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2, lines 42-57, Column 5, lines 40-53 and Fig. 3, element 300) in communication with the top-level device driver.

15. In reference to claim 10-12, 15 and 16, DiGiorgio discloses the IDS and PDA of claim 9 and 14, wherein the device could be a keyboard, monitor or memory (Fig. 4, elements 415, 416 and 417) each having its own drivers. DiGiorgio describes the ability to interface serial, parallel, USB, etc., type devices, under which the keyboard, monitor or memory classify.

16. In reference to claim 17, DiGiorgio discloses the device of claim 14, wherein the top-level device driver drives a device (Fig. 9, element 804 and 808) capable of being driven by an IDS (Fig. 8, element 803) in communication with the handheld computer (Fig. 8, element 100).

17. In reference to claim 18, DiGiorgio discloses a data storage device (Column 1, lines 22-39) that maintains a method of transferring a data element from a device to a handheld computer (Fig. 4), the method comprising: receiving a device-based data element at a docking station (Fig. 8, element 803) based coprocessor (Fig. 9, element 804 and 900); performing a driver conversion to convert the device-based data element into a bus-enabled data element (Column 5, lines 40-54); and placing the bus-enabled data element on a handheld compatible bus (Column 5, lines 40-54 and Fig. 4).

### *Conclusion*

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to PDAs and docking stations:

U.S. Pat. No. 5,668,977 to Swanstrom et al.

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U.S. Pat. No. 6,044,215 to Charles et al.

U.S. Pat. No. 6,266,539 to Pardo

U.S. Pat. No. 6,309,230 to Helot

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S Chen whose telephone number is 703-605-0708. The examiner can normally be reached on M-F 8:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ASC  
10/2/2003

  
JEFFREY GAFFIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100